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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,742	12/26/2001	John Tiong-Heng Chuah	53921/188	1636
27871	7590	06/18/2004	EXAMINER	
BLAKE, CASSELS & GRAYDON LLP BOX 25, COMMERCE COURT WEST 199 BAY STREET, SUITE 2800 TORONTO, ON M5L 1A9 CANADA			TABONE JR, JOHN J	
			ART UNIT	PAPER NUMBER
			2133	

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/025,742	Applicant(s) CHUAH ET AL.	
	Examiner John J. Tabone, Jr.	Art Unit 2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-12 have been examined.

Specification

2. The abstract of the disclosure is objected to because of improper grammar used on line 5, "...cell "to" adapted to be...". Remove the first "to". Correction is required.

See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities: Fig. 2 on page 10, lines 6, 13 and 15 and page 14, lines 12 and 17 is improperly referenced. Figure 2 does not exist in the disclosure. It appears that these references should be Fig. 2B. Appropriate correction is required.

Claim Objections

4. Claim 1, line 5, is objected to because of the following informalities: "Adapted to" is not a positive limitation. Appropriate correction is required.
5. Claim 1 is objected to because of the following informalities: Improper grammar used on line 6, "...cell "to" adapted to be...". Remove the first "to". Appropriate correction is required.
6. Claim 4, line 4, is objected to because of the following informalities: "Adapted to" is not a positive limitation. Appropriate correction is required.

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7. Claim 7, line 9, is objected to because of the following informalities: "Adapted to" is not a positive limitation. Appropriate correction is required.

8. Claim 8 is objected to because of the following informalities: This claim is improperly depending on claim 10. For purpose of examination the Examiner is interpreting this claim to depend on claim 7. Appropriate correction is required.

Double Patenting

9. Claims 1-5 and 7-12 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-5 and 10-15 of copending Application No. 10/025,741. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter in the conflicting claims cited above.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

In addition, 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their

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retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-12 rejected under 35 U.S.C. 102(b) as being anticipated by Minami (US-6141326).

Claim 1:

Minami teaches of OC3C interface units 101 (uplink), 105 (downlink) has, a fault monitoring section 101c. Minami further discloses the fault monitoring section 101c (diagnostic cell) has (1) a cell error counter 101n (diagnostic cell counter module) counts up an error count En whenever notification of error detection is given by the first and second parity verifiers 101i, 101m, and (2) a passing cell counter 101p (diagnostic cell counter module) counts cells, which are sent from the interface 101f, on a per-connection (VPI/VC1) basis to thereby monitor the number of passing cells. Minami also teaches an equipment fault information separating unit 101s separates and outputs equipment fault information (analyzing said diagnostic cell counter module) (equipment identification information, error count En, passing cell count Cn for every connection)

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sent from each unit (any data path) upon being added onto intra-office cells. (Col. 5, lines 12-24; col. 6 lines 23-28, 40-41).

Claim 7:

Minami teaches the fault monitoring section 101c has (1) a cell error counter 101n (first diagnostic cell counter module) counts up an error count E_n whenever notification of error detection is given by the first and second parity verifiers 101i, 101m, and (2) a passing cell counter 101p (first diagnostic cell counter module) counts cells, which are sent from the interface 101f, on a per-connection (VPI/VCI) basis to thereby monitor the number of passing cells. Minami also teaches an equipment fault information separating unit 101s (analysis module) separates and outputs equipment fault information (equipment identification information, error count E_n , passing cell count C_n for every connection) sent from each unit (any data path) upon being added onto intra-office cells. (Col. 5, lines 12-24; col. 6 lines 23-28, 40-41).

Claims 2 and 8:

Minami teaches the processor 106 notifies the diagnostic apparatus 110 of the connection (VPI/VCI) in which the fault was detected and instructs the diagnostic apparatus 110 to perform a cell continuity test on the connection. Further, the processor 106 instructs the VCC setting unit of the common unit 102b to establish a path in such a manner that cells having the aforesaid connection will be looped back by the switch (hardware loop-back). Minami also teaches a cell error counter 101n (diagnostic cell counter module) counts up an error count E_n whenever notification of error detection is given by the first and second parity verifiers 101i, 101m, and a passing cell counter

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101p (diagnostic cell counter module) counts cells, which are sent from the interface 101f, on a per-connection (VPI/VCI) basis to thereby monitor the number of passing cells. (Col. 6 lines 23-28, col. 10, lines 27-40).

Claims 3 and 9:

Minami teaches that each of the fault messages M1, M2 includes (1) the unit that reported the low cell passing count, (2) the cause (CAUSE) of the fault, (3) whether the direction is the uplink or downlink (downstream) (UPLINK/DOWNLINK) direction, (4) the section in which the fault occurred (failure location), and (5) the connection (VPI/VCI), etc. (Col. 9, lines 1-10).

Claims 4 and 10:

Minami teaches of OC3C interface units 101 (uplink), 105 (downlink) (second diagnostic cell counter) has, a fault monitoring section 105c. Minami also teaches a cell error counter 105n (second diagnostic cell counter module) counts up an error count En whenever notification of error detection is given by the first and second parity verifiers 101i, 101m, and a passing cell counter 101p (second diagnostic cell counter module) counts cells, which are sent from the interface 101f, on a per-connection (VPI/VCI) basis to thereby monitor the number of passing cells. (Col. 6 lines 23-28, col. 10, lines 27-40).

Claims 5 and 11:

Minami teaches that each of the fault messages M1, M2 includes (1) the unit that reported the low cell passing count, (2) the cause (CAUSE) of the fault, (3) whether the direction is the uplink or downlink (downstream) (UPLINK/DOWNLINK) direction, (4) the

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section in which the fault occurred (failure location), and (5) the connection (VPI/VCI), etc. (Col. 9, lines 1-10).

Claims 6 and 12:

Minami teaches the fault monitoring section 105c has a passing cell counter 105p (second diagnostic cell counter module) counts cells, which are sent from the interface 105f, on a per-connection (VPI/VCI) basis to thereby monitor the number of passing cells.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bergman et al. (US-6442694)

The prior art of record teaches an apparatus and processes for performing fault isolation in a communication network and loop-back restoration.

Chiu et al. (US6597689)

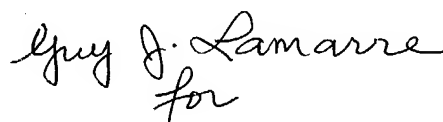
The prior art of record teaches ingress counters, egress counters for keeping track of faults in a communication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Tabone, Jr. whose telephone number is (703) 305-8915. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (703) 305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John J. Tabone, Jr.
Examiner
Art Unit 2133


for

Albert DeCady
Primary Examiner